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APPLICATION NO. 57	FILING DATE 12/01/96	FIRST NAMED INVENTOR CURRY	ATTORNEY DOCKET NO. 414.013
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TM31/1130

EXAMINER

ME1, X

ART UNIT 2544	PAPER NUMBER
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In re Application of
James E. Curry, et al.
Application Serial No. 08/598,457
Filed: February 8, 1996
For: SPATIAL SOUND CONFERENCE
SYSTEM AND APPARATUS

Technology Center 2600
DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the request to re-mail the Final Office Action mailed December 21, 1999 and to restart the period for response to the Office Action. The request is being treated as a petition to withdraw the holding of abandonment.


This application is considered abandoned for failure to respond in a timely manner to the Final Office Action mailed December 21, 1999. A 'Notice of Abandonment', a letter indicating the status of the application as 'abandoned', has not yet been mailed.

The petitioner asserts that the Office Action was not received. A review of the written record indicates no irregularity in the mailing of the Office Action, and in the absence of any irregularity there is a strong presumption that the Office Action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office Action was not in fact received. The showing must include a statement by the practitioner stating that the Office Action was not received and attesting to the fact that a search of docket records indicates the same. A copy of the docket records must be attached to and referenced by the practitioner's statement. See M.P.E.P. §711.03(c).

The petition, filed June 15, 2000, as supplemented by the referenced docket record, filed June 16, 2000, complies with the above-stated requirements. Accordingly, the application was not abandoned in fact, and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application has been forwarded to the Technology Center technical support staff to re-mail the Final Office Action mailed December 21, 1999, and to restart the period for response to said action.


James Dwyer, Director
Technology Center 2600
Communications